

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

Conf. No.: 6564

YAMASAKI et al

Atty. Ref.: 925-289

Serial No. 10/824,505

Group: 1724

Filed: April 15, 2004

Examiner: Barry, C.T.

For: METAL CONTAINING WASTE WATER TREATMENT  
METHOD AND METAL CONTAINING WASTE WATER  
TREATMENT EQUIPMENT

\* \* \* \* \*

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**ELECTION UNDER 35 USC §121**

In response to the Office Action dated June 23, 2006, Applicant elects Species II (the species of claims 21 - 22, 26, 32, 33, 36, 41 - 43, 47, 53, 54, 57, 73, 80, 77 - 79, 83 and 88 - 90) for further prosecution in the event no generic claim is finally held to be allowable. Currently, claims 23-25, 27-31, 34-35, 40, 44-46, 48, 49, 50, 51, 52, 55, 56, 58-64, 70-72, 74-76, 81-82 and 87 are deemed to be generic.

This election is made without traverse. However, since a restriction requirement is never proper unless the restricted group of claims is patentably distinct (i.e., inter alia, non-obvious under 35 USC §103) from the elected group of claims, the Examiner is requested to insure that such patentable distinctness is present before proceeding to make the requirement final.

It is respectfully requested that the non-elected claims be retained.

The Commissioner is authorized to charge the undersigned's deposit account no. 14-1140 in whatever amount is necessary for entry of this Amendment and the continued pendency of the captioned application, including but not limited to any extension of time fees.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,  
**NIXON & VANDERHYE P.C.**

July 14, 2006

By:                     /H. Warren Burnam, Jr./                      
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